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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original application No. 531 of 2005

Thursday, this the 31st day of August, 2006

CORAM:

HON'BLE MR. K B S RAJAN, JUDICIAL MEMBER

K. Leela, D/o. Chatha,
Retrenched Casual Labourer,
Southern Railway, Palghat Division,
Residing at Moorkkathupadi,,
Pallipuram Post, Palghat District.

... Applicant,

(By Advocate Mr.T.C. Govindaswamy)

v e r s u s

1. Union of India represented by the
General Manager, Southern Railway,
Headquarters Office, Park Town P.O.,
Chennai : 3

2. The Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.

3. The Divisional Personnel Manager,
Southern Railway, Palghat Division,
Palghat.

... Respondents.

(By Advocate Mr. Thomas Mathew Nellimoottil)

ORDER
HON'BLE MR. K B S RAJAN, JUDICIAL MEMBER

The admitted position and the short point involved in this case would
obviate debate. The applicant is a retrenched casual labor and his name is

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available at Sl. No. 781 of the Live Register. At the time of verification, all the documents, save the original casual labour card were made available by the applicant but in the absence of the original casual labour card, the respondents have refused to entertain the applicant for necessary screening and subsequent regularization in the event of his being through in the screening.

2. One more aspect was that the respondents do maintain a "Thumb Impression Register" with which the identity of the person could be easily verified. Despite the same, the respondents' contention is that in the absence of the original casual labour card and date of birth certificate, it would not be possible to ensure the identity of the person.

3. The contention of the respondents on the above scores are to be only rejected. When the name of the applicant is available in the live Register and the particulars of period of engagement are available, nothing more is required to verify or cross verify. In so far as ensuring avoidance of impersonification, nothing is more authentic and fool-proof than the finger print. If the applicant impersonates himself, on verification with the thumb impression available in the Register, the same could be identified and his case could be easily rejected. As regards date of birth certificate, the respondents could well obtain from the applicant an affidavit in terms of Rule 225 of IREM which reads as under:-

A handwritten signature in black ink, appearing to read "A. G." followed by a stylized flourish.

"(a) When a candidate declares his date of birth he should produce documentary evidence such as a Matriculation certificate or a Municipal birth certificate, if he is not able to produce such an evidence he should be asked to produce any other authenticated documentary evidence to the satisfaction of the appointing authority. Such authenticated documentary evidence could be the school leaving certificate, a baptismal certificate in original or some other reliable document. Horoscope should not be accepted as an evidence in support of the declaration of age.

(b) If he could not produce any authority in accordance with (a) above, he should be asked to produce an affidavit in support of the declaration of age."

4. In the result, the OA is allowed. The impugned order dated 20-03-2004 (Annexure A-2) is quashed and set aside. Respondents are directed to consider the case of the applicant for necessary screening, subject to his fulfilling other conditions. The details as contained in the Live Register be taken into account while verifying the fulfillment of the required period of service etc., The applicant's identity may also be verified by comparing his thumb impression with that presumably already available with the respondents. As regards age ceiling, the same shall be considered, if need be by deducting from the age the time spent in prosecuting this case. Subject to his being found fit, his case for absorption be considered and necessary orders passed. This order shall be complied with, within a period



of four months from the date of communication of this order. No costs.

(Dated, the 31st August, 2006)


K B S RAJAN
JUDICIAL MEMBER

CVR.